



Crl.O.P.(MD) No.3432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3432 of 2024

Sivaraman

...Petitioner

VS

**1.The Superintendent of Police,
Madurai District.**

**2.The Inspector of Police,
Checkanoorani Police Station,
Madurai District.**

3.Sivapandi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct first and second Respondents Police not to harass the Petitioner under the guise of enquiry upon the alleged complaint by the third Respondent by considering the Petitioner's representation, dated 28.02.2024.

**For Petitioner : Mr.Pitchai Muthu
For R1 and R2 : Mr.M.Veeranthiran
Government Advocate (crl.side)**



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ORDER

The Criminal Original Petition had been filed seeking a direction against the first and second Respondents Police not to harass the Petitioner under the guise of enquiry upon the alleged complaint by the third Respondent by considering the Petitioner's representation, dated 28.02.2024.

2.The learned Counsel for the Petitioner submitted that the third Respondent had helped one Ananth, a friend of the Petitioner to purchase a tractor in the name of Ananth's brother, in order to get subsidy. After the demise of Ananth's brother, the Petitioner herein acting as a broker helped the said Ananth to sell the tractor to one Dhamu, a resident of Kancheepuram. Subsequently, there had been dispute between the third Respondent and Ananth regarding the subsidy amount and that the third Respondent had approached the second Respondent and preferred a complaint against the Petitioner herein and against the said Ananth. The Petitioner had been summoned by the second Respondent. Therefore, the



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Petitioner seeks direction against the second Respondent not to harass the Petitioner under the guise of enquiry based on the complaint of the third Respondent, dated 28.02.2024.

3.The learned Government Advocate (crl.side), on instructions from the Respondent Police, submitted that the Petitioner is alleged to have acted as a broker for selling the tractor to one Dhamu in Kancheepuram District. Subsequently, there had been dispute among the parties and therefore, the third Respondent had preferred a complaint against the Petitioner and one Ananth. Based on the complaint of the third Respondent, the second Respondent had issued a summon to the Petitioner/Sivaraman and Ananth. After receipt of the summon only, the Petitioner had approached this Court seeking direction. He further submitted that let the Petitioner appear for enquiry and after the appearance of the Petitioner and Ananth, the second Respondent will pass appropriate orders.

4.Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (crl.side), it is found that the respondent had acted as per the reported Rulings of the Hon'ble



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Supreme Court in ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and the case of ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***2014 (8) SCC 273*** before ever registering a case based on the complaint of the third Respondent. Being a citizen of this country, the Petitioner is duty bound to appear before the Respondent Police and offer his explanation. Since the second Respondent had issue summons seeking clarification before ever proceeding with the registration of the case, the Petitioner shall offer his explanation. As a citizen of this country, he is duty bound to appear when summon is issued by an officer of the State.

5.In the light of the submission by the learned Counsel for the Petitioner and the learned Government Advocate (crl.side), the Petitioner is directed to co-operate with the pending enquiry. The second Respondent is directed not to harass the Petitioner at odd hours and strictly abide by the Rulings of the Hon'ble Supreme Court cited supra.

With the above directions, this ***Criminal Original Petition*** is disposed of.



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Internet :Yes/No
Index :Yes/No
NCC :Yes/No

cmr

To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Checkanoorani Police Station,
Madruai District.



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SATHI KUMAR SUKUMARA KURUP, J.

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